

GAHC010259322024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6657/2024

MINU SAIKIA
C/O SHRI LILA SAIKIA, RESIDENT OF HOUSE NO. 04, CHOONCHALI ROAD,
NOONMATI SECTOR 1, P.S. NOONMATI, P.O. NOONMATI, PIN NO. 781020
DISTRICT- KAMRUP METRO, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY GOVERNMENT
OF ASSAM, HANDLOOM TEXTILE AND SERICULTURE, ASSAM
SECRETARIATE, DISPUR, GUWAHATI-06

2:THE MANAGING DIRECTOR
ASSAM GOVERNMENT MARKETING CORPORATION LTD.
G.N.B. ROAD
AMBARI
GUWAHATI-01

3:THE CHAIRMAN
ASSAM GOVERNMENT MARKETING CORPORATION LTD.
G.N.B. ROAD
AMBARI
GUWAHATI-01

4:THE ACCOUNTS WING
HEAD OFFICE
ASSAM GOVERNMENT MARKETING CORPORATION LTD.
G.N.B. ROAD
AMBARI
GUWAHATI-0

Advocate for the Petitioner : MR B HAZARIKA,

Advocate for the Respondent : SC, HANDLOOM, TEXTILE AND SERICULTURE,

**BEFORE
JOINT REGISTRAR (JUDL.) MR. CHINMOY BARUAH**

ORDER

Date : 03.06.2025

Case taken up before the Lawazima Court.

Learned counsel Ms. S. Hazarika appears on behalf of Mr. B. Hazarika, learned counsel for the petitioner.

The office note dated 29.05.2025 reveals that notice was issued to the respondent Nos. 2, 3 & 4 by registered post with A/D on 18.02.2025 and the A/D cards in respect of the said respondents have been received back.

A perusal of the said A/D cards reveals that the A/D cards bears the short initial of the recipient, and hence it cannot be ascertain that the receipient was the addressee himself or someone else. In this context, the Hon'ble Privy Council in the case of **Harihar Banerji vs. Ramsashi Roy, 1918 SCC OnLine PC 58** held that *where a notice was sent by registered post properly addressed there is a strong presumption that the notice was properly delivered in the usual course and this is not rebutted by the fact that the acknowledgment is signed by a person other than the addressee*. In the present case, it appears from the A/D cards that the registered notices were properly addressed to the respondent Nos. 2, 3 & 4. **Therefore, the notice dated 18.02.2025 may be deemed to have been served upon the said respondent Nos. 2, 3 & 4.**

In view of the above, the matter may be placed before the Hon'ble Court.

Joint Registrar (Judicial)

Comparing Assistant